

On January 29, 1980, an advisory board consisting of Federal and State agencies as well as personnel from the Research Planning Institute met in Corpus Christi to reevaluate measures to be taken if the oil from the IXTOC well once again threatened the beaches of Texas. The consensus of this group was:

"It is proposed that a conservative approach be taken to beach cleanup during periods of chronic oil impact. Cleanup operations should be based on economic considerations as well as the physical and biological characteristics of the shoreline. In those areas where cleanup is undertaken, the methods employed should be practical from both a physical and economic perspective."²²

The Advisory Board recommended that major cleanup activity should be concentrated in regions of high recreational usage or areas in close proximity to entrances through the barrier island system. Lower levels of cleanup are indicated for areas of moderate recreational usage, however, for the majority of the coastline no cleanup is recommended during periods when impacts may be expected to continually occur.²² (See Chart, p. 65)

Dick Whittington, in a letter to Captain Gerald Hinson, OSC, on behalf of the Texas Disaster Council, stated that "cleanup should be extended to include areas where a single impact occurs with no anticipation that another impact will occur and to areas where oiling occurred on multiple days but has finally ceased and where it will not recur ever or for an extended period of time."²³

FEDERAL/STATE LOCAL POLICIES

The U.S. Water Quality Act of 1977² created a national contingency fund to pay for cleanup costs; and does not cover economic damages. The Federal Small Business Association makes long-term, low interest loans available both for physical damage to private property and economic injury to private businesses.

The State Disaster Act of 1975⁴ authorizes state agencies to accomplish whatever is necessary to alleviate the effects of any disaster including oil spills. The Disaster Act does permit "arms length" assistance to local governments and individuals when assistance for physical damage is authorized by the federal government. The

state is limited to 25% of the federally approved grant which cannot exceed a total of \$5,000 per individual. This program does not cover economic injury or loss of income, thus is not applicable to the oil spill. Local governments have the same authority as the state under the same statutes, except for the physical loss program.

If the oil that hit the Texas coast had been from a tanker that had coverage from TOVALOP or CRISTAL, the economic, as well as cleanup charges, would have been paid. TOVALOP stands for Tanker Owners Voluntary Agreement concerning Liability for Oil Pollution. CRISTAL stands for a Contract Regarding an Interim Supplement to Tanker Liability for oil pollution.²⁴

Pending in the U.S. Congress is a fund called the Comprehensive Oil Pollution Liability Compensation Proposal (Superfund). This fund would provide compensation for spills in U.S. waters. In addition to covering spills from ships and barges it would cover spills from terminals, pipelines, refineries, drilling rigs, production platforms, and deepwater ports.²⁴

The primary objective of oil spill legislation is pollution prevention; secondary objectives should ensure that governments, businesses and individuals, within constitutional restraints, are reimbursed for severe economic losses in the case of public calamities. The Committee is currently studying compensation programs established in Maine and Florida, that use a state pollution fund to reimburse citizens and businesses. The current Texas Coastal Protection Fund is limited to a narrow field of cleanup costs and related activities.

The legislation that the committee is currently considering would provide an easily accessible source of money for the cleanup costs, and would reimburse public and private entities for losses.

Several options for funding are being reviewed. Other states raise money from registration fees, or by various taxes. The current Texas Coastal Protection Fund has a ceiling of \$5,000,000, while it actually contains \$500,000 appropriated by the legislature.